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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,769	06/16/2000	Kenton A. Buss	67264	1181

22206 7590 09/16/2003

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EXAMINER
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LEE, EDMUND H

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 09/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/595,769

Applicant(s)

BUSS, KENTON A.

Examiner

EDMUND H. LEE

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,11,12 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,11,12 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/5/03 has been entered.

2. Claim 2 is objected to because of the following informalities: the claim indicator is incorrect. It should read --currently amended-- not "Original". Appropriate correction is required.

3. Claims 1, 2, are 4 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims introduce new matter into the disclosure. The added material which is not supported by the original disclosure is as follows:

a. the phrase "said mold including a steel rule for forming said substantially vertical peripheral wall portion" (cl 1, lns 7-9) lacks support in the instant disclosure. There is no support for the vertical peripheral wall portion of the mold being the steel rule.

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4. Claims 1, 2, 4, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "said first surface" (cl 1, ln 10) lacks antecedent basis in the claim.

The phrase "removing said sheet of sheet of thermoforming plastic from said mold" (cl 14, ln 21) is indefinite because it is confusing.

Clarification and/or correction is required.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 4, 11, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Wendt (USPN 5314324). Wendt teaches the claimed process as evident at col 7, ln 55-col 8, ln 6; col 8, lns 34-52; col 9, lns 32-36 and 45-47; and figs 7-11 and 14. It should be noted that rib 158 constitutes a steel rule.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wendt (USPN 5314324) in view of Shimono (SUPN 6010062). Wendt teaches the basic

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claimed process including a method of making a molded article from a sheet of thermoforming plastic wherein the article includes a continuous outer edge portion (col 7, ln 55-col 8, ln 6; col 8, lns 34-52; col 9, lns 32-36 and 45-47; and figs 7-11 and 14); heating a sheet of plastic material having a mold side and an exposed side to a first temperature, the first temperature being consistent with forming the sheet of thermoforming plastic material in a thermoforming process (col 7, ln 55-col 8, ln 6; col 8, lns 34-52; col 9, lns 32-36 and 45-47; and figs 7-11 and 14); placing the mold side of the sheet of thermoforming plastic over a mold, the mold having a steel rule of substantially uniform height positioned about the periphery of the mold (col 7, ln 55-col 8, ln 6; col 8, lns 34-52; col 9, lns 32-36 and 45-47; and figs 7-11 and 14)--as a not, rib 158 constitutes the steel rule; applying a vacuum to the mold or compressed gas to the exposed side of the sheet of thermoforming plastic such that air pressure on the mold is less than the air pressure on the exposed side (col 7, ln 55-col 8, ln 6; col 8, lns 34-52; col 9, lns 32-36 and 45-47; and figs 7-11 and 14); forming a ridge over the steel rule along the entirety of the outer edge portion (col 7, ln 55-col 8, ln 6; col 8, lns 34-52; col 9, lns 32-36 and 45-47; and figs 7-11 and 14); cooling the sheet of plastic material to a second temperature, the second temperature being consistent with the sheet of thermoforming plastic retaining its molded shape (col 7, ln 55-col 8, ln 6; col 8, lns 34-52; col 9, lns 32-36 and 45-47; and figs 7-11 and 14); releasing the vacuum from the mold or the compressed gas from the exposed side (col 7, ln 55-col 8, ln 6; col 8, lns 34-52; col 9, lns 32-36 and 45-47; and figs 7-11 and 14); removing the sheet of thermoforming plastic material from the mold (col 7, ln 55-col 8, ln 6; col 8, lns 34-52; col 9, lns 32-36

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and 45-47; and figs 7-11 and 14); and trimming the thermoforming plastic material along the ridge to release the article from the sheet (col 7, ln 55-col 8, ln 6; col 8, lns 34-52; col 9, lns 32-36 and 45-47; and figs 7-11 and 14). However, Wendt does not teach forming the ridge such that the thermoforming plastic is thinner than the original thickness of the sheet of the thermoforming plastic; and trimming the sheet of thermoforming plastic along the ridge where the thermoforming plastic is thinner. Shimono teaches thermoforming a sheet of plastic into a molded shape having a peripheral ridge with a portion thinner than the original thickness of the sheet (figs 7-9); and punching the molded article from the sheet at the thinner portion in order to release the article from the sheet (col 6, lns 55-63; figs 7-9). Wendt and Shimono are combinable because they are analogous with respect to forming an article having a ridge/channel edge and punching the article from a sheet of plastic to release the article. Further, it is well-known in the molding art to cut an article from a sheet along a thinned portion in order to facilitate the cutting. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the thinning of Shimono into the ridge portion of Wendt in order to facilitate the trimming of Wendt.

9. Applicant's arguments with respect to claims 1,2,4,11,12, and 14 have been considered but are moot in view of the new ground(s) of rejection.


10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Both Simpson (USPN 3805657) and Rhoades et al (USPN 5759591) illustrate a steel rule being a mold element other than a thin, bendable band of steel.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is 703.305.4019. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 703.305.5493. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.0661.

  
EDMUND H. LEE  
Primary Examiner 9/8/03  
Art Unit 1732

EHL